

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
PECOS DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	4:20-CR-388-DC
	§	
THOMAS SCOTT PERKINS,	§	
	§	
Defendant.	§	
	§	

GOVERNMENT’S NOTICE OF INTENTION TO OFFER EXPERT/LAY TESTIMONY

The United States of America, by and through the United States Attorney for the Western District of Texas (“Government”), provides notice, pursuant to Federal Rule of Criminal Procedure 16, of its intention to introduce expert witness testimony in its case-in-chief at trial. The Government believes the testimony of these witnesses is in fact controlled by Federal Rule of Evidence 701, Opinion Testimony by Lay Witness, rather than Federal Rule of Evidence 702, Opinion Testimony by Expert Witness, but in an abundance of caution files this Notice. The Government submits that this evidence is relevant to the issues to be tried before the jury in this case and would further state as follows:

HSI SPECIAL AGENT ANTONIO YANEZ

Special Agent Yanez will testify regarding his forensic examination of the devices seized from the defendant. He will also testify to electronic devices and internet file sharing, including but not limited to the mechanics of how filing sharing software works and how files are downloaded and shared over the internet, how computer storage works, how long files are stored on drives, and how files can be deleted and recovered from electronic devices. He also will discuss

how Virtual Personal Networks (VPNs) work and the purpose of a VPN along with computer forensics in general.

SAMUEL BROWNING, Ph.D., Licensed Psychologist

If the issue of competency is relitigated, Dr. Browning will testify regarding on the issue of competency and the issue of sanity. Dr. Browning may testify to evaluation procedures, including but not limited to collateral interviews, psychological testing, review of records, background information, medical/psychiatric history, and mental status/ behavioral observation (admission and course). Dr. Browning may testify to assessment results (personality functioning), diagnosis and prognosis (Autism Spectrum Disorder). Dr. Browning may also testify to opinion as to competency to stand trial and opinion on competency along with recommendations. If the issue of sanity is litigated, Dr. Browning may testify to mental state at the time of offense (which include Government's allegations of offense and defendant's statements regarding alleged offense), discussion of findings and opinion regarding mental state at time of the offense.

Lacie Biber, Ph.D., Licensed Psychologist

If the issue of competency is relitigated, Dr. Biber will testify regarding on the issue of competency. Dr. Biber may testify to evaluation procedures, background history, relationship history, education/employment history, medical history, mental health history, and course in institution. Dr. Biber will testify to competency to stand trial and diagnosis along with conclusions and prognosis.

Respectfully submitted,

ASHLEY C. HOFF
UNITED STATES ATTORNEY

By: /s/ Kevin R. Cayton
Kevin R. Cayton
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of July, 2022, a copy of the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant:

Counsel for the Defendant:

Elyse M Bataller-Schneider, Christopher J. Carlin, and Michael F. Gorman

/s/ **Kevin R. Cayton**

Kevin R. Cayton

Assistant United States Attorney